

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:17-cr-0199-JMS-MJD
)	
DERRICK J. MOTLEY,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On November 24, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 17, 2021. Defendant Motley appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Cindy Cho, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Motley of his rights and provided him with a copy of the petition. Defendant Motley orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Motley admitted violation number 1 (amended). [Docket No. 85.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

1

“You mut not commit another federal, state, or local crime.”

On August 13, 2021, Mr. Motley was charged with felon carrying a handgun, strangulation with a prior conviction for strangulation, theft of a firearm, domestic battery with a prior domestic battery conviction, and theft, in Hancock County case number 30D01-2108-F5-001042. An arrest warrant was issued for Mr. Motley.

According to the Affidavit for Probable Cause, on August 9, 2021, Sydney Gray made a police report of her boyfriend stealing a couple of her guns. Ms. Gray stated she had just purchased a new gun, a Glock 19, from Highsmith Guns. Mr. Motley told her he wanted to carry the weapon, but Ms. Gray told him she didn’t want him to as it was hers. Ms. Gray said they got in an argument because she was concerned she could get in trouble if he was caught with the gun. Ms. Gray said she knew the offender was on federal probation. The two got into a physical fight in the bedroom, and Mr. Motley pulled her down by her hair and choked her with his arm. Ms. Gray advised the offender eventually let go, she smacked him, and he left. Later, Ms. Gray realized her silver Smith and Wesson revolver had also been taken from the house. She advised Mr. Motley took 200 rounds of ammunition from her as well.

Amended to:

In 2021, Defendant was convicted of a F6 Domestic Battery in Hancock County, Indiana under cause number 30D01-2108-F5-001042 for which he was sentenced to 184 days incarceration.

4. The parties stipulated that:

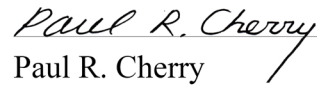
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is IV.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months’ imprisonment.

5. The parties jointly recommended a sentence of fourteen (14) months with no supervised release to follow. Defendant requested placement at FCI Cumberland.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of fourteen (14) months with no supervised release to follow. The Magistrate Judge will recommend placement at FCI Cumberland. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 11/24/2021


Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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